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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,726	12/07/2001	Shiro Saito	892_020	2700

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PO BOX 7068
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EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,726

Applicant(s)

SAITO ET AL.

Examiner

Adam L Basehoar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/05/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: The Application filed on 12/07/01 which claims Foreign priority to Japanese application 2001-34060 filed on 02/09/01.

2. Claims 1-15 are pending in this case. Claims 1, 4, 7, and 14-15 are independent claim.

Claim Rejections - 35 USC § 101

3. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The current claim language only recites a program which is just software alone and of itself. The subject matter does not belong in the statutory class and is suggest by the examiner that the claim should be amended to have the program embodied on a computer readable medium.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-5, 7-8, 10, 12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota (US-5,506,902 04/09/96).

-In regard to substantially similar independent claims 1, 4, 7, and 14-15, Kubota teaches a method of distributing and displaying information in stages, comprising:

displaying from a server (Fig. 1: 1 & 2), electronic data (article information)(column 3, line 39) only readable headline information from a newspaper page (column 3, lines 45-47) just as it was laid out on the newspaper page ("layout unchanged")(Fig. 12(a)); and

displaying article information linked to the headline information (Fig. 12: a & b) on a display device as readable display data (Fig. 1: 9 & 10), when the readable headline information was selected (columns 3 & 9: 47-49 & 6-9).

-In regard to dependent claims 2, 5, and 8, Kubota teaches wherein the article information was comprised of character code lines (columns 1 & 11, lines 6-11 & 28-30).

-In regard to dependent claims 10, Kubota teaches wherein all the articles in the newspaper are linked to headline information, and distributing all of the article information in the newspaper included in the headline information to the terminal device when any of the headline information was selected (columns 3 & 9, lines 47-53 & 1-9).

-In regard to dependent claims 12, Kubota teaches wherein the data includes readable headline information (columns 3 & 9, lines 45-46 & 1-3) and line-drawing information (layout) indicating partition of arrangement on the paper the headline

information belongs to (i.e. original newspaper layout)(column 3, lines 45-47)(Fig. 12: a & b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 9, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (US-5,506,902 04/09/96).

-In regard to dependent claims 3, 6, and 9, Kubota teaches wherein the article information could be image data (column 11, lines 30-32). Kubota does not specifically teach wherein the character code lines (columns 1 & 11, lines 6-11 & 28-30) were displayed as an image. It would have been obvious to one of ordinary skill in the art at the time of the invention for Kubota to have displayed the character code lines as images, because Kubota teaches sending image data and wherein article information was sent as image data as shown above it would have been beneficial to send the character code lines as image data to maintain a uniform data type (i.e. just images and not image and text).

-In regard to dependent claims 11, Kubota teaches wherein all the articles in the page containing that newspaper headline are linked to headline information (columns 3 & 9, lines 44-

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52 & 1-9), and when any of the headline information on that page was selected, the article information for that selected article was sent to the terminal device (columns 3 & 9, lines 44-52 & 1-9)(Fig. 12: a & b). Kubota does not teach when selecting an article headline on a page retrieving the information for all the articles on the page that includes the selected headline and sending them to the terminal device. It would have been obvious to one of ordinary skill in the art at the time of the invention for Kubota to have displayed all the articles on a page when a headline was selected from that page, because it was notoriously well known at the time of the invention that data on specific newspaper pages were related and it would thus be beneficial to deliver similar articles to a user, in a time saving pre-fetch, who has expressed interest in a related headline with the presumption of related interest in the other related headlines on the page without having to wait for the user to actually select the other headlines individually. It was also obvious and well within the embodiment of Kubota, that if a headline were linked to the title of a page that the selection of said page title headline would retrieve all the article information for all articles on that page.

-In regard to dependent claims 13, Kubota does not teach wherein each partition was indicated with colors according to the type of article information identified by the headline information. It would have been obvious to one of ordinary skill in the art at the time of the invention for Kubota to have color coded the different partitions of information to reflect different types of article information, because Kubota teaches maintaining the exact layout of the newspaper page (column 3, lines 45-47) and it was notoriously well known in the newspaper art to color code different newspaper partitions based on article type (i.e. USA Today: Sports,

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Business, Entertainment, etc) because color coding provided quick and easy detection and recognition/understanding of complex information (i.e. Without reading an article headline the color code allows the user to quickly decipher the article's main subject)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-6,741,268	05-2004	Hayakawa
US-2002/0112172	08-2002	Simmons
US-6,073,148	06-2000	Rowe et al.
US-5,754,712	05-1998	Tanaka et al.
US-5,649,186	07-1997	Ferguson
US-2002/0055959	05-2002	Hayashi
US-2002/0026462	02-2002	Shotton et al.

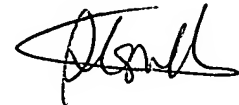
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (703) 308-5465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB



STEPHEN HONG
SUPERVISORY PATENT EXAMINER